

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HOUSTON,

Plaintiff,

v.

SEWARD & KISSEL LLP,

Defendant.

ECF CASE

07 Civ. 6305 (HB)

NOTICE OF MOTION

ORAL ARGUMENT
REQUESTED

PLEASE TAKE NOTICE THAT, upon the Declaration of Jana C. Ramsey, dated August 31, 2007, the exhibits annexed thereto, and the accompanying memorandum of law, defendant Seward & Kissel LLP, by their attorneys Paul, Weiss, Rifkind, Wharton & Garrison LLP, will move this Court on August 31, 2007, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint for failure to state a claim upon which relief can be granted and granting such other and further relief as the Court may deem just and proper.

Defendant requests oral argument on this motion.

Dated: New York, New York
August 31, 2007

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By:

Gerard E. Harper, Esq.

Julia Tarver Mason, Esq.

Jacqueline P. Rubin, Esq.

Jana Ramsey, Esq.

1285 Avenue of the Americas
New York, NY 10019
(212) 373-3000

Attorneys for Defendant